

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LEILA GREEN LITTLE, et al.,	§	
Plaintiffs,	§	
v.	§	
	§	1:22-CV-424-RP
LLANO COUNTY, et al.,	§	
Defendants.	§	

**ORDER SETTING HEARING AND
SANCTIONS WARNING**

The court **SETS** Plaintiffs’ Opposed Motions to Compel Discovery Responses and for Sanctions (Dkt. #92 & #114), Plaintiffs’ Opposed Motion to Compel and for Sanctions (Dkt. #123 & #127), and Plaintiffs’ Opposed Motion to Compel Production of Documents (Dkt. #124) for an in-person hearing on Thursday, **April 27, 2023, at 10:00 a.m.** in Courtroom Eight on the seventh floor of the Federal Courthouse located at **501 W. 5th Street, Austin, Texas 78701**. Defendants Bonnie Wallace and Jerry Don Moss are **ORDERED** to be physically present in the courtroom on the day of the hearing.

The court **WARNS** Defendants and Defendants’ counsel that it is taking Plaintiffs’ request for sanctions **UNDER ADVISEMENT**. Federal Rule of Civil Procedure 37(d) gives the court authority to sanction a party for failure to appear for a deposition, answer interrogatory responses, or respond to requests for production. FED. R. CIV. P. 37(d)(1)(A)(i)–(ii). Sanctions may include any of the orders listed in Rule 37(b)(2)(A)(i)–(vi):

- (i) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (ii) prohibiting the disobedient party from supporting or opposing designated claims or defenses or from introducing designated matters in evidence;
- (iii) striking pleadings in whole or in part;
- (iv) staying further proceedings until the order is obeyed;

- (v) dismissing the action or proceeding in whole or in part;
- (vi) rendering a default judgment against the disobedient party; or
- (vii) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

FED. R. CIV. P. 37 (b)(2)(A). Rule 37(d)(3) further mandates that, “[i]nstead of or in addition to these sanctions, the court must require the party failing to act, the attorney advising that party, or both to pay the reasonable expenses, including attorney’s fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.” *See also* FED. R. CIV. P. 37(b)(2)(c).

Furthermore, the court reserves the right to revisit the issue of sanctions should Defendants fail to comply with this Order. FED. R. CIV. P. 37(b), (d). Should Defendants Bonnie Wallace and Jerry Don Moss fail to appear physically at the April 27th hearing, they will be violation of this court’s Order and may be subject to the application of any of the sanctions described above.

The court **FURTHER ORDERS** the parties to participate in a meet and confer to attempt to resolve these motions without court intervention and to file a joint notice no later than noon Tuesday, April 25, 2023, identifying the issues that have been resolved and the remaining outstanding issues.

SIGNED April 5, 2023.



MARK LANE
UNITED STATES MAGISTRATE JUDGE